

MAY 07 2007

PTO/SB/21 (04-07)

Approved for use through 09/30/2007. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL  
FORM

(to be used for all correspondence after initial filing)

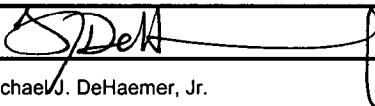
Total Number of Pages in This Submission

65

Application Number	10/822,037
Filing Date	April 8, 2004
First Named Inventor	Mark C. BATES
Art Unit	3763
Examiner Name	Laura A. BOUCHELLE
Attorney Docket Number	MCB-010 DIV (33769-1013)

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please Identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	1. Two (2) non-U.S. patent documents;
<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	2. Supplementary EP Search Report; and
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	3. Return-receipt postcard
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks		

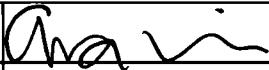
## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Luce, Forward, Hamilton & Scripps LLP		
Signature			
Printed name	Michael J. DeHaemer, Jr.		
Date	April 30, 2007	Reg. No.	39,164

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature



Typed or printed name

Anna M. Skolnick

Date April 30, 2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /LB/



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

*In re* Patent Application of: ) Group Art Unit: 3763  
Mark C. BATES )  
Appl'n No.: 10/822,037 ) Examiner: Laura A. BOUCHELLE  
Filed: April 8, 2004 ) Confirmation No. 9083  
For: APPARATUS FOR THE )  
DELIVERY OF DRUGS OR )  
GENE THERAPY INTO A )  
PATIENT'S VASCULATURE )  
AND METHODS OF USE )  
\_\_\_\_\_  
)

San Diego, California  
April 30, 2007

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**

Dear Sir or Madam:

In accordance with 37 C.F.R. § 1.56, Applicant makes the documents, listed on the enclosed form PTO/SB/08a, of record in the above-identified application. In accordance with 37 C.F.R. § 1.97, this statement is not to be construed as a representation that a search has been made, and is not a representation that the information cited is effective as prior art to the application or is material to patentability.

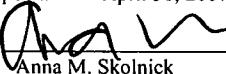
---

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, with sufficient postage in an envelope addressed to: Mail Stop: Amendment, P.O. Box 1450, Commissioner for Patents, Alexandria, VA 22313-1450.

Date of Deposit: April 30, 2007

Signature:

  
Anna M. Skolnick

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /LB/

\* \* \*

A copy of the non-U.S. documents, which is listed on the accompanying Form PTO/SB/08, is enclosed. Also enclosed is a photocopy of a Supplementary European Search Report in a counterpart international application, which identifies the non-U.S. documents.

It is respectfully requested that these documents be (1) fully considered by the U.S. Patent and Trademark Office in the examination of the above-identified application; and (2) printed on any patent which may issue on this application. It is also respectfully requested that a copy of Form PTO/SB/08, as considered and initialed by the Examiner, be returned to the undersigned with the next communication in accordance with M.P.E.P. § 609.

In accordance with 37 C.F.R. 1.97(e)(1), each item of information contained in the Information Disclosure Statement was first cited in a communication from a foreign patent office or PCT in a counterpart foreign or PCT application not more than three months prior to the filing of the Information Disclosure Statement. Therefore, it is believed that no fee is required in connection with this submission. If a fee is required, please charge Deposit Account No. 50-2298, in the name of Luce, Forward, Hamilton & Scripps LLP.

4/30/07  
\_\_\_\_\_  
Date

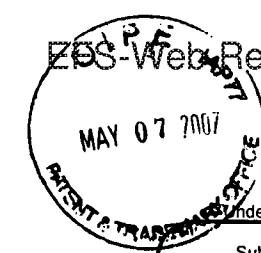
Respectfully submitted,



Michael J. DeHaemer, Jr.  
Attorney for Applicant(s)  
Reg. No. 39,164  
c/o LUCE, FORWARD, HAMILTON  
& SCRIPPS LLP  
11988 El Camino Real, Ste. 200  
San Diego, California 92130  
Phone No.: (858) 720-6300

3813996.1

ALL REFERENCES CONSIDERED<sup>2</sup> EXCEPT WHERE LINED THROUGH. /LB/



ZES-Web Receipt date: 05/07/2007

PTO/SB/08A (04-07)

Approved for use through 09/30/2007. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

**Substitute for form 1449/PTC**

## **INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

**(Use as many sheets as necessary)**

Sheet 1 of 1

<b>Complete if Known</b>	
Application Number	10/822,037
Filing Date	April 8, 2004
First Named Inventor	Mark C. BATES
Art Unit	3763
Examiner Name	Laura A. BOUCHELLE
Attorney Docket Number	MCB-010 DIV (33769-1013)

## U. S. PATENT DOCUMENTS

## FOREIGN PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	Type
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				
		WO 96/39098 A	12-12-1996	Nephros Therapeutics Inc.		
		FR 2 764 503 A1	12-18-1998	Braun Celsa SA		<input checked="" type="checkbox"/>

Examiner Signature	/Laura Bouchelle/	Date Considered	03/26/2008
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at <a href="http://www.uspto.gov">www.uspto.gov</a> or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.			

Translation is attached.  
This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /1B/